

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O report on Mr X and his family who remained in immigration detention for more than 24 months (two years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1963

Family details

Family members	Ms Y (wife)	Miss Z (daughter)	Master Q (son)
Citizenship	Country A	Country A	Country A
Year of birth	1972	1999	2008

Ombudsman ID	1002641
Date of DIBP's report	13 October 2014
Total days in detention	Not provided

Detention history

13 October 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 477 <i>Gaggin</i> .
25 March 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from community detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to being released from detention, Mr X and his family were part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and the Minister had not lifted the bar under s 46A.	
25 March 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

1 November 2012	International Health and Medical Services (IHMS) advised that Mr X was identified as a typhoid contact. He was considered asymptomatic and provided with education.
6 November 2012	Disclosed a history of torture and trauma but declined specialist counselling.

20 December 2012	Diagnosed with a perforated ear drum after presenting to his general practitioner (GP) on multiple occasions with ear pain. He was prescribed with medication and referred to an ear, nose and throat specialist. IHMS advised that a new referral was issued on 3 May 2013 following Mr X's transfer to community detention. IHMS reported that it had no documentation to confirm whether Mr X attended the specialist appointment at the time of its report.
8 April 2013	Attended an audiology assessment following ongoing ear pain.

Ms Y

IHMS advised that Ms Y did not require treatment for any major physical health issues.	
20 November 2012	IHMS advised that Ms Y was diagnosed with anxiety. She attended psychological consultations and received cognitive behavioural therapy. Prior to her release from detention she continued to attend supportive counselling.
15 October 2014	Referred for physiotherapy following ongoing shoulder pain.

Miss Z

IHMS advised that Miss Z did not require treatment for any major physical or mental health issues.	
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Master Q

1 November 2012	Identified as a typhoid contact. He was considered asymptomatic and his parents were provided with education.
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Detention incidents

5 January 2013	A DIBP Incident Report recorded that Mr X allegedly assaulted Ms Y by slapping her across the face. DIBP advised that Ms Y did not require medical treatment and both Ms Y and Mr X were interviewed by Serco officers. No further information was provided.
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Ombudsman assessment/recommendation

<p>Mr X and his family were granted Bridging visas with associated THS visas on 25 March 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 13 October 2012 after arriving in Australia, and were held in detention for over two years before being granted Bridging visas. The Ombudsman further notes that, at the time of DIBP's review, processing of the family's claims for protection had not commenced.</p> <p>The Ombudsman recommends that the Minister lift the bar under s 46A and processing of the family's protection claims commence as soon as possible</p>
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